

Our File No.: 74886

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Plaintiff(s)
VICTOR CONTTRELL

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

vs.

CIVIL NO.: DC-06-3836 (AET)

Defendant(s)
SHERIFF JOSEPH W. OXLEY,
WARDEN CLIFFORD DANIELS;
CORRECTION OFFICER BYRON
JONES; CORRECTION OFFICER
T. TIFT; CORRECTION OFFICER
JAMES WALTERS; CORRECTION
OFFICER C. PANIERO; &
JOHN DOE

CIVIL ACTION

**PRETRIAL MEMORANDUM OF
DEFENDANT BYRON JONES**

1. NATURE OF ACTION:

Plaintiff, Victor Cottrell, has alleged a violation of his civil rights under 42 U.S.C. §1983. Plaintiff also alleges that he was assaulted while incarcerated at the Monmouth County Correctional Institution, N.J.S.A. 2C:12-1. The plaintiff therefore alleges that his jurisdiction in the Federal District Court is proper since he has alleged violations of his Federal Constitutional rights.

2. ADMISSIONS AND STIPULATIONS:

Defendants admit that plaintiff was incarcerated at the Monmouth County Correctional Institution during the time period alleged in plaintiff's Complaint.

3. FACTUAL AND LEGAL CONTENTIONS:

Defendants contend that plaintiff's rights were not violated as alleged in the Complaint.

Defendants further contend that plaintiff has failed to comply with the requirements of 42 U.S.C.A. §1997(e), in that he failed to exhaust administrative remedies prior to filing the within lawsuit.

4. ADMISSIONS AS TO DAMAGES:

Defendants deny that plaintiff sustained any damages and/or injuries while incarcerated at the Monmouth County Correctional Institution.

5. LEGAL ISSUES AND EVIDENTIARY ISSUES FOR TRIAL:

Whether defendants violated plaintiff's rights, as alleged in the Complaint;

Whether plaintiff complied with the provisions of 42 U.S.C.A. §1997(e) by exhausting administrative remedies prior to filing this lawsuit.

6. LIST OF EXHIBITS:

Booking records related to plaintiff's incarceration at the Monmouth County Corrections Institute in 2004;

Incident reports related to plaintiff's incarceration at the Monmouth County Corrections Institute in 2004;

Report of plaintiff's criminal history.

All treatment and/or medical records.

7. POTENTIAL WITNESSES:

Correction Officer Byron Jones; 1 Waterworks Road, Freehold, New Jersey.

Employees of Monmouth County Correctional Institution familiar with their records, policies and procedures during the time of plaintiff's incarceration, including but not limited to Sheriff Joseph W. Oxley; Warden Clifford Daniels, Correction Officer Tracey Tift, Correction Officer Jaime Walters, Correction Officer C. Paniero, 1 Waterworks Road, Freehold, New Jersey.

It is anticipated that all witnesses will testify that the treatment of the plaintiff during his incarceration was

consistent with the policies and procedures in effect at the Monmouth County Correctional Institution during the time of plaintiff's incarceration.

/S/_____
DONALD K. GREER, JR., ESQ.

DATED: July 16, 2007